

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

DAWN MCDONALD,	)	
	)	
Plaintiff,	)	
	)	Cause No.
vs.	)	
	)	<b>JURY TRIAL DEMANDED</b>
CITY OF FLORISSANT, MISSOURI,	)	
and ANDREW GERWITZ,	)	
	)	
Defendants.	)	

**NOTICE OF REMOVAL PURSUANT TO 28 U.S.C. §1441**

Separate defendants City of Florissant, Missouri and Andrew Gerwitz (hereinafter ADefendants@), by and through counsel, pursuant to 28 U.S.C. ' ' 1441(a) and (b) and 1446(a), (b) and (d), hereby provide notice of its removal to the United States District Court for the Eastern District of Missouri, Eastern Division, of this cause of action filed in the Circuit Court of the County of St. Louis, State of Missouri, styled *Dawn McDonald, v. City of Florissant, Missouri, a Municipal Corporation, and Andrew Gerwitz*, Cause No. 10SL-CC1296. In support of this Notice, Defendants state as follows:

1. This cause of action is currently pending in the Circuit Court of the County of St. Louis, State of Missouri, and is styled *City of Florissant, Missouri, a Municipal Corporation, and Andrew Gerwitz*, Cause No. 10SL-CC1296.
2. On May 4, 2010, Plaintiff served her Petition on Defendants in which she brings claims pursuant to 42 U.S.C. ' 1983 only, alleging deprivation of Plaintiff's federally secured rights as provided by the laws and Constitution of the United States of America.

3. This Court has original jurisdiction over this action pursuant to 28 U.S.C. ' ' 1331 and 1343(a)(4), and 42 U.S.C. ' 1983.

4. A copy of all process, pleadings and orders contained in the state court file is attached hereto as Exhibit A.

5. The Petition, contained within Exhibit A, was served upon Defendants on May 4, 2010. This Petition is the initial pleading setting forth the claim for relied upon which such action or proceeding is based and therefore Defendants are entitled to remove this action. Plaintiff's Petition was served upon the Defendant on May 4, 2010, and fewer than thirty days have elapsed between the service of Petition and the filing of this Notice.

**WHEREFORE**, Defendants provide Notice of Removal of the above-styled action pending against it in the Circuit Court of the County of St. Louis, State of Missouri to the United States District Court for the Eastern District of Missouri.

**KING, KREHBIEL, HELLMICH,  
HACKING & BORBONUS, LLC**

By: /s/ Bradley R. McDill  
BRADLEY R. MCDILL #5225402  
WILLIAM A. HELLMICH #3369  
2000 South Hanley Road  
St. Louis, MO 63144  
(314) 646-1110  
(314) 646-1122 (fax)  
bmcdill@khhhb.com

Attorneys for Defendants City of Florissant  
and Andrew Gerwitz

CERTIFICATE OF SERVICE

The undersigned hereby further certifies that a true and accurate copy of the foregoing was served upon the following by e-mail and U.S. Mail, postage prepaid, this 28<sup>th</sup> day of May, 2010:

Gregory G. Fenlon, #35050  
7711 Bonhomme, Suite 300  
Clayton, MO 63105  
ggfmoatty@aol.com  
*Attorney for Plaintiff*

/s/ Bradley R. McDill